

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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JAMES SANFORD,

NO. CIV. S 02-0480 MCE JFM

Plaintiff,

v.

ORDER

THRIFTY PAYLESS, INC., dba  
RITE AID CORPORATION,

Defendant.

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On October 12, 2005, this Court awarded Plaintiff, as the prevailing party in this litigation, attorney's fees and litigations expenses in the amount of \$21,145.12 pursuant to both state law and 42 U.S.C. § 12205 of the Americans with Disabilities Act. Thereafter, on October 21, 2005, Plaintiff filed the instant Motion for Reconsideration, asking the Court to revisit its denial of litigation expenses totaling \$15,226.62 for services rendered by Plaintiff's expert, Joe Card.

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1 While Plaintiff does not specify the precise basis of his  
2 reconsideration request, he appears to contend that it would be  
3 manifestly unfair to disallow Mr. Card's expenses because his  
4 conclusions were necessary for purposes of litigating (and  
5 ultimately settling) this matter, despite the fact that Mr.  
6 Card's alleged report was found insufficient for purposes of  
7 Plaintiff's unsuccessful motion for summary judgment.

8       The Court's disallowance of Mr. Card's invoice as a  
9 recoverable expense in fact did not hinge solely on Plaintiff's  
10 ill-taken motion for summary judgment, as the instant motion  
11 would appear to indicate. It is axiomatic that Plaintiff, while  
12 entitled to litigation expenses as the prevailing party, must  
13 establish that such expense were reasonably incurred. 42 U.S.C.  
14 § 12205. Expenses are unreasonable and properly denied where the  
15 invoices submitted fail to provide specifics about the nature of  
16 the charges incurred. See Webb v. James, 967 F. Supp. 320, 326  
17 (N.D. Ill. 1997).

18       As indicated in the Court's October 12, 2005 Order,  
19 Plaintiff's request for reimbursement of \$15,226.62 in expenses  
20 paid to Mr. Card is premised on a three line invoice that says  
21 virtually nothing about what Mr. Card did. No hourly rate,  
22 number of hours expended, or tasks performed is detailed despite  
23 the very sizable amount of the invoice. In addition, other than  
24 architectural plans with proposed changes that were prepared by a  
25 completely different entity (Advanced Design Consultants, LLC),  
26 no report authored by Mr. Card was ever submitted-- only a one  
27 page unsubstantiated cost analysis for retrofitting the Rite Aid  
28 site was provided.

1 This dearth of information is plainly insufficient to establish  
2 the reasonableness of Mr. Card's \$15,226.62 bill.

3 Despite Plaintiff's protestations to the contrary, the  
4 situation here is clearly distinguishable from that encountered  
5 by the Court in White v. Save Mart Supermarkets, Case No. CIV S  
6 03-2402. While Mr. Card's expenses totaling \$4,401.25 were  
7 awarded in that case, two different invoices were provided along  
8 with detailed time entries showing tasks performed and Mr. Card's  
9 hourly rate. Here, on the other hand, only a three-line  
10 explanation was included in the invoice with no cost breakdown  
11 whatsoever. In addition, unlike the present case, in White the  
12 plaintiff provided a detailed report, with photographs, authored  
13 by Mr. Card himself-- not just architectural plans which on their  
14 face demonstrate that they were prepared by someone else  
15 entirely. Plaintiff's claim here that he is entitled to recover  
16 more than three times the amount sought in White, with less  
17 supporting documentation and no report, simply cannot be  
18 sustained.

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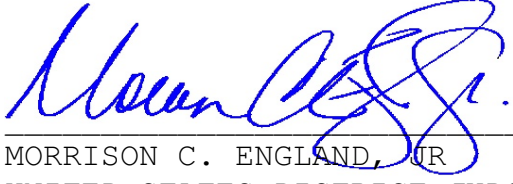
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1 Based on the foregoing, Plaintiff's Motion for  
2 Reconsideration is hereby DENIED.<sup>1</sup>

3 IT IS SO ORDERED.

4 DATED: November 30, 2005

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8 MORRISON C. ENGLAND, JR.  
9 UNITED STATES DISTRICT JUDGE  
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27 <sup>1</sup>Because oral argument would not be of material assistance,  
28 this matter was deemed suitable for decision without oral  
argument. E.D. Local Rule 78-230(h).